

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

KAREN NOVICK,

Plaintiff,

09 Civ. 6865 (RKE)

-against-

ORDER

METROPOLITAN LIFE INSURANCE
COMPANY and METLIFE OPTIONS AND
CHOICES PLAN NO. 512,

Defendants.

-----X

In its Judgment dated February 4, 2013, this court ordered that, “should defendants file an appeal of this judgment, plaintiff’s motion for attorney’s fees and defendants’ processing of plaintiff’s LTD benefits application shall be stayed pending resolution of the appeal and issuance of a mandate by the United States Court of Appeals for the Second Circuit.” Judgment of Feb. 4, 2013, at 2 (ECF Dkt. No. 86) (“Judgment”).

On December 2, 2014, the Second Circuit issued its Mandate, dismissing the appeal for lack of appellate jurisdiction. Mandate (2d Cir. Dec. 2, 2014) (ECF Dkt. No. 93). Thereafter, this court ordered the parties to propose a joint briefing schedule on plaintiff’s motion for attorney’s fees in light of the dismissal of the appeal. Order of Dec. 15, 2014, at 1 (ECF Dkt. No. 94). The dismissal of the appeal, however, also lifted the stay on the court-ordered remand of plaintiff’s claim for LTD benefits. Judgment at 2 (“[P]laintiff’s claim for LTD benefits is remanded to defendants, who must process the application pursuant to ERISA and the Regulations promulgated thereunder and the Plan’s terms, and notify Ms. Novick in writing of

their decision.”). The court needs an update regarding the remand of that claim. Accordingly, it is hereby

ORDERED that a teleconference, to be initiated by the parties, is scheduled for Tuesday, October 20, 2015 at 10:30 a.m.; and it is further

ORDERED that the parties be prepared to discuss the status of the remand and whether a decision on plaintiff’s motion for attorney’s fees would be premature in light of the remanded claim.

SO ORDERED.

Dated: September 28, 2015
New York, New York

/s/ Richard K. Eaton

Judge

* Judge Richard K. Eaton of the United States Court of International Trade, sitting by designation.